

1 **AN ACT** *to amend* 6.28 (1) and 6.29 (1) of the statutes; **relating to:** the deadline for
2 registration to vote.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, registration for any election must close at 5 p.m. on the 2nd Wednesday preceding the election (13 days). Registration may be accepted after this deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election.

A person may also register to vote after this deadline in-person in the office of the municipal clerk or at the polls on election day. An elector who is hospitalized may also register via an agent.

This draft changes the registration deadline from the 2nd Wednesday preceding the election to the 3rd Wednesday preceding the election (20 days). Under the draft, registration after this deadline is limited to persons registering in person in the office of the municipal clerk, persons registering at the polls on election day, and hospitalized persons registering via an agent.

The draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 6.28 (1) of the statutes is amended to read:

4 **6.28 (1) REGISTRATION LOCATIONS; DEADLINE.** Except as authorized in ss. 6.29, 6.55 (2),
5 and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the 2nd
6 Wednesday 3rd Wednesday preceding the election. Registrations made by mail under s. 6.30
7 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 2nd
8 Wednesday 3rd Wednesday preceding the election. ~~An application for registration in person~~
9 ~~or by mail may be accepted for placement on the registration list after the specified deadline,~~

1 if the municipal clerk determines that the registration list can be revised to incorporate the
2 registration in time for the election. All applications for registration corrections and additions
3 may be made throughout the year at the office of the city board of election commissioners, at
4 the office of the municipal clerk, at the office of any register of deeds or at other locations
5 provided by the board of election commissioners or the common council in cities over 500,000
6 population or by either or both the municipal clerk, or the common council, village or town
7 board in all other municipalities and may also be made during the school year at any high
8 school by qualified persons under sub. (2) (a). Other registration locations may include but
9 are not limited to fire houses, police stations, public libraries, institutions of higher education,
10 supermarkets, community centers, plants and factories, banks, savings and loan associations
11 and savings banks. Special registration deputies shall be appointed for all locations. An
12 elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office
13 of the municipal clerk of the municipality where the elector resides.

NOTE: This SECTION changes the registration deadline from 13 days
prior to an election to 20 days prior to an election. In addition, this
SECTION, and SECTION 2, effectively ends the practice of mail registration
after this deadline.

14 SECTION 2. 6.29 (1) of the statutes is amended to read:

15 6.29 (1) No names may be added to a registration list for any election after the close of
16 registration, except as authorized under this section or s. 6.28 (1), s. 6.55 (2), or 6.86 (3) (a)

17 2. Any person whose name is not on the registration list but who is otherwise a qualified
18 elector is entitled to vote at the election upon compliance with this section.

19 AM: 6.29 (2) (b)
SECTION 3. Effective date. This act takes effect on January 1, 2006.

20

(END)

1 **AN ACT** *to amend* 6.33 (2) (a) and (b), 6.55 (2) (b), 6.55 (2) (c) 1. and 6.55 (3) of the
2 statutes; **relating to:** requiring registration forms for polling place registration to be
3 completed in a legible manner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, an elector may register to vote by completing a registration form.

This draft requires that the registration form be completed in a legible manner, and be signed by the election official before whom the form was completed.

This draft contains an effective date of January 1, 2006.

Am, 6.33()
4 **SECTION 1.** 6.33 (2) (a) and (b) of the statutes are amended to read:

5 6.33 (2) (a) All information may be recorded by any person, except that the ward and
6 aldermanic district, if any, other geographic information under sub. (1), the indication of
7 whether the registration is received by mail shall be recorded by the clerk. All information
8 shall be recorded in a legible manner. Each applicant shall sign his or her own name unless
9 the applicant is unable to sign his or her name due to physical disability. In such case, the
10 applicant may authorize another elector to sign the form on his or her behalf. If the applicant
11 so authorizes, the elector signing the form shall attest to a statement that the application is
12 made upon request and by authorization of a named elector who is unable to sign the form due
13 to physical disability.

NOTE: The amendment to s. 6.33 (2) (a) specifies that all information on a registration card be recorded in a legible manner.

1 (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall be signed by the
2 registering elector and any corroborating elector under s. 6.29 (2) (a) or 6.55 (2) before the
3 clerk, issuing officer or registration deputy. The form shall contain a certification by the
4 registering elector that all statements are true and correct and a certification by the clerk,
5 issuing officer, or ^{special} registration deputy that the completed form is legible.

6 **SECTION 2.** 6.55 (2) (b) of the statutes is amended to read:

7 6.55 (2) (b) Upon executing the registration form under par. (a), the elector shall provide
8 acceptable proof of residence under sub. (7). If the elector cannot provide acceptable proof
9 of residence, the information contained in the registration form shall be corroborated in a
10 statement that is signed by any elector who resides in the same municipality as the registering
11 elector and that contains the current street address of the corroborating elector. The
12 corroborator shall then provide acceptable proof of residence as provided in sub. (7). The
13 signing by the elector executing the registration form and by any corroborator shall be in the
14 presence of the special registration deputy or inspector who shall ensure that the form is
15 completed in a legible manner and who shall then sign the form. Upon compliance with this
16 procedure, the elector shall be permitted to cast his or her vote, if the elector complies with
17 all other requirements for voting at the polling place.

18 **SECTION 3.** 6.55 (2) (c) 1. of the statutes is amended to read:

19 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and
20 (b), the board of election commissioners, or the governing body of any municipality may by
21 resolution require a person who qualifies as an elector and who is not registered and desires
22 to register on the day of an election to do so at another readily accessible location in the same
23 building as the polling place serving the elector's residence or at an alternate polling place
24 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence.

1 In such case, the municipal clerk shall prominently post a notice of the registration location
2 at the polling place. ~~The municipal clerk, deputy clerk or special registration deputy at the~~
3 ~~registration location shall require such person to execute~~ The elector who desires to register
4 shall execute a registration form as prescribed under par. (a) and to provide acceptable proof
5 of residence as provided under sub. (7). If the elector cannot provide acceptable proof of
6 residence, the information contained in the registration form shall be corroborated in the
7 manner provided in par. (b). The signing by the elector executing the registration form and
8 by any corroborator shall be in the presence of the municipal clerk, deputy clerk or special
9 registration deputy. Upon ensuring that the form has been completed in a legible manner, the
10 municipal clerk, the deputy clerk, or the special registration deputy shall sign the form. Upon
11 proper completion of registration, the municipal clerk, deputy clerk or special registration
12 deputy shall serially number the registration and give one copy to the elector for presentation
13 at the polling place serving the elector's residence or an alternate polling place assigned under
14 s. 5.25 (5) (b).

15 **SECTION 4.** 6.55 (3) of the statutes is amended to read:

16 6.55 (3) Any qualified elector in the ward or election district where the elector desires
17 to vote whose name does not appear on the registration list but who claims to be registered to
18 vote in the election may request permission to vote at the polling place for that ward or election
19 district. When the request is made, the inspector shall require the person to give his or her
20 name and address. If the elector is not at the polling place which serves the ward or election
21 district where the elector resides, the inspector shall provide the elector with directions to the
22 correct polling place. If the elector is at the correct polling place, the elector shall ~~then execute~~
23 the following written statement: "I, ..., hereby certify that to the best of my knowledge, I am
24 a ~~qualified elector, having resided at for at least 10 days immediately preceding this~~

1 election, and that I am not disqualified on any ground from voting, and I have not voted at this
2 election and am properly registered to vote in this election." The person shall be required to
3 provide acceptable proof of residence as provided under sub. (7) and shall then be given the
4 right to vote. If the elector cannot provide acceptable proof of residence, the statement shall
5 be certified by the elector and shall be corroborated in a statement that is signed by any other
6 elector who resides in the municipality and that contains the current street address of the
7 corroborating elector. The corroborator shall then provide acceptable proof of residence as
8 provided in sub. (7). Whenever the question of identity or residence cannot be satisfactorily
9 resolved and the elector cannot be permitted to vote, an inspector shall telephone the office
10 of the municipal clerk to reconcile the records at the polling place with those at the office
11 complete registration as provided in sub. (2).

12 **SECTION 5. Effective date.** This act takes effect on January 1, 2006.

13 (END)

1 **AN ACT** *to amend* 7.30 (2) (am) of the statutes; **relating to:** the minimum grade point
2 average required of a high school student to be a poll worker.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Generally, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average (GPA) may serve as an inspector at the polling place serving the pupil's residence. Approval of the pupil's parent or guardian and of the school principal is required. There must be at least one qualified elector of the state serving at the polling place for a pupil to be appointed and a pupil may not serve as chief inspector.

This draft eliminates the minimum GPA requirement and instead authorizes school boards to develop criteria for approving students to serve as poll workers.

This draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 7.30 (2) (am) of the statutes is amended to read:

4 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17
5 years of age, and who is enrolled in grades 9 to 12 in a public or private school, ~~and who has~~
6 ~~at least a 3.0 grade point average or the equivalent~~ may serve as an inspector at the polling place
7 serving the pupil's residence, with the approval of the pupil's parent or guardian and of the
8 principal of the school in which the pupil is enrolled. A school board or governing body of
9 a private school may establish criteria for participation by a pupil as an inspector. A pupil may
10 serve as an inspector at a polling place under this paragraph only if at least one election official
11 at the polling place other than the chief inspector is a qualified elector of this state. No pupil
12 may serve as chief inspector at a polling place under this paragraph. Before appointment by

1 **AN ACT** *to amend* 7.30 (2) (am) and 7.30 (6) (a); and *to create* 7.30 (6) (am) of the
2 statutes; **relating to:** the term of a pollworker who is a high school student.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Generally, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average may serve as an inspector (pollworker) at the polling place serving the pupil's residence. Approval of the pupil's parent or guardian and of the school principal is required. There must be at least one qualified elector of the state serving at the polling place for a pupil to be appointed and a pupil may not serve as chief inspector.

Under current law, the term of appointment of an inspector lasts for 2 years and until his or her successor is appointed and qualified.

This draft modifies the term of service of a high school pupil appointed to serve as an inspector. Under the draft, a high school pupil is appointed for one election only rather for 2 years. The draft does not prohibit such pupil from being appointed to serve at future elections.

This draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 7.30 (2) (am) of the statutes is amended to read:

4 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17
5 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at
6 least a 3.0 grade point average or the equivalent may serve as an inspector at the polling place
7 serving the pupil's residence, with the approval of the pupil's parent or guardian and of the
8 principal of the school in which the pupil is enrolled. A pupil may serve as an inspector at a
9 polling place under this paragraph only if at least one election official at the polling place other
10 than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector

1 **AN ACT** *to amend* 6.30 (4) of the statutes; **relating to:** the elimination of prepaid
2 postage on voter registration cards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, electors may register to vote by mail on registration forms prescribed by the elections board and provided by each municipality. The form must be prepostpaid for return when mailed within the United States.

This draft eliminates the requirement that the forms contain prepaid return postage.

The draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 6.30 (4) of the statutes is amended to read:

6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed by the board and provided by each municipality. The form shall be designed to obtain the information required in ss. 6.33 (1) and to provide for changes authorized under s. 6.40 (1) (a). The form shall contain a certification by the elector that all statements are true and correct. ~~The form shall be prepostpaid for return when mailed at any point within the United States.~~ The form shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request.

12 **SECTION 2. Effective date.** This act takes effect on January 1, 2006.

13 (END)

~~Ami~~
~~6.87~~
~~(3)(a)(d)~~

1 **AN ACT** *to amend* 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2) and 9.10 (2) (em)
2 2.; and *to create* 5.02 (16g) of the statutes; **relating to:** qualification of circulators of
3 nomination papers and petitions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, each nomination paper and petition for an election must be circulated by a qualified elector of the jurisdiction or district in which the paper or petition is circulated. However, in *Frami v. Ponto*, 255 F. Supp. 962 (W.D. Wis. 2003), a federal district court ruled that this residency requirement is unconstitutional and prevented the state from enforcing the statutory requirement.

This draft provides that a circulator of a nomination paper or petition must be a qualified elector of this state or a U.S. citizen age 18 or over who, if he or she were a resident of the state, would not be disqualified from voting because he or she is incompetent, a felon whose right to vote has not been restored, or involved in a wager or bet depending upon the result of the election.

This draft contains an effective date of January 1, 2006.

4 **SECTION 1.** 5.02 (16g) of the statutes is created to read:

5 **5.02 (16g)** "Qualified circulator" means a qualified elector of this state or any U.S.
6 citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified
7 from voting under s. 6.03.

8 **SECTION 2.** 8.10 (3) (intro.) of the statutes is amended to read:

9 **8.10 (3)** (intro.) The certification of a qualified elector circulator under s. 8.15 (4) (a)
10 shall be appended to each nomination paper. The number of required signatures on
11 nomination papers filed under this section is as follows:

1 **SECTION 3.** 8.15 (4) (a) of the statutes is amended to read:

2 8.15 (4) (a) The certification of a qualified elector circulator stating his or her residence
3 with street and number, if any, shall appear at the bottom of each nomination paper, stating
4 he or she personally circulated the nomination paper and personally obtained each of the
5 signatures; he or she knows they are electors of the ward, aldermanic district, municipality or
6 county, as the nomination papers require; he or she knows they signed the paper with full
7 knowledge of its content; he or she knows their respective residences given; he or she knows
8 each signer signed on the date stated opposite his or her name; and, that he or she, the
9 circulator, ~~resides within the district which the candidate named therein will represent, if~~
10 ~~elected~~ is a qualified elector of this state, or if not a qualified elector of this state, is a
11 U.S. citizen age 18 or
12 older who,
13 if he or
she were
a resident of
this state,
would not
be
disqualified
from voting
under s.
6.03, Wis.
Stats.
14 circulator; that he or she intends to support the candidate; and that he or
15 she is aware that falsifying the certification is punishable under s. 12.13 (3) (a), Wis. stats.
16 The circulator shall indicate the date that he or she makes the certification next to his or her
17 signature. The certification may be made by the candidate or any qualified elector circulator.

14 **SECTION 4.** 8.20 (3) of the statutes is amended to read:

15 8.20 (3) The certification of an elector a qualified circulator under s. 8.15 (4) (a) shall
16 be appended to each nomination paper.

17 **SECTION 5.** 8.40 (2) of the statutes is amended to read:

18 8.40 (2) The certification of a qualified elector circulator stating his or her residence
19 with street and number, if any, shall appear at the bottom of each separate sheet of each petition
20 specified in sub. (1), stating that he or she personally circulated the petition and personally
21 obtained each of the signatures; that the circulator knows that they are electors of the
22 jurisdiction or district in which the petition is circulated; that the circulator knows that they
23 signed the paper with full knowledge of its content; that the circulator knows their respective
24 residences given; that the circulator knows that each signer signed on the date stated opposite

1 his or her name; that the circulator ~~resides within the jurisdiction or district in which the~~
2 petition is circulated is a qualified elector of this state, or if not a qualified elector
3 the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that of this
4 he or she makes the certification next to his or her signature. state,
that the
circulator
is a U.S.
citizen age 18
or older who,
if he or she
were a
resident
of this state,
would not
be
disqualified
from
voting
under
S. 6.03,
W.S.
stats.

5 **SECTION 6.** 9.10 (2) (em) 2. of the statutes is amended to read:

6 9.10 (2) (em) 2. The residency of the circulator cannot be determined by the information
7 given on the petition is not a qualified circulator.

8 **SECTION 7. Initial applicability.** (1) The treatment of sections 5.02 (16g), 8.10 (3)
9 (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (am) 2., first applies with respect to
10 nomination paper circulation periods that begin and petitions that are initially circulated on
11 the effective date of this subsection.

12 **SECTION 8. Effective date.** This act takes effect on January 1, 2006.

13 (END)

dm

1 **AN ACT** to amend 8.37 of the statutes; relating to: notice of certain school referenda.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Current law generally requires all proposed constitutional amendments and any other measure or question that is to be submitted to a vote of the people to be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure, or question will appear on the ballot.

This draft requires, in addition, that a copy of a measure or question to be submitted to a vote of the people on behalf of a school district be provided to the clerk of each county having territory within the school district no later than 42 days prior to the election.

This draft contains an effective date of January 1, 2006.

2 **SECTION 1.** 8.37 of the statutes is amended to read:

3 **8.37 Filing of referenda petitions or questions.** Unless otherwise required by law,
4 all proposed constitutional amendments and any other measure or question that is to be
5 submitted to a vote of the people, or any petitions requesting that a measure or question be
6 submitted to a vote of the people, if applicable, shall be filed with the official or agency
7 responsible for preparing the ballots for the election no later than 42 days prior to the election
8 at which the amendment, measure or question will appear on the ballot. A copy of any such
9 measure or question filed on behalf of a school district shall also be provided to the clerk of
10 each county having territory within the school district no later than 42 days prior to the election
11 at which such measure or question will appear on the ballot.

The
S.D.
Clerk
shall
file

1 **AN ACT** relating to: report on election contingency planning.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

This draft requires the elections board to submit a report and recommendations to the legislature on state and local election-related contingency planning efforts and preparedness regarding natural disasters and terrorist activities that may occur at or near election time.

The report would be due on July 1, 2006.

This draft contains an effective date of January 1, 2006.

2 **SECTION 1. Nonstatutory provisions.**

(1) The elections board shall prepare a report and recommendations with regard to state and local election-related contingency planning efforts and preparedness regarding natural disasters or terrorist activities that may occur at or near election time. No later than July 1, 2006, the elections board shall submit the report and recommendations to the chief clerk of each house of the legislature for distribution to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes.

9 **SECTION 2. Effective date.** This act takes effect on January 1, 2006.

10 (END)

RJC:thu:wu

10/07/2005

1 AN ACT *to create* 5.68 (3m) of the statutes; **relating to:** the duties of the election
2 administration council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, the election administration council consists of members appointed by the executive director of the elections board. The membership of the council must include the clerk or executive director of the board of election commissioners of the 2 counties or municipalities in the state having the largest population, one or more election officials of other counties or municipalities, representatives of organizations that advocate for individuals with disabilities and the voting public, and other electors of the state. The council is to assist the elections board to establish the state's election administration plan under the federal Help America Vote Act of 2002.

This draft requires the election administration council to also provide guidance to local units of government concerning the purchasing of election apparatus, ballot forms, and supplies for use in elections in this state to help ensure that competitive prices are obtained.

This draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 5.68 (3m) of the statutes is created to read:

4 5.68 (3m) The election administration council shall provide guidance to local units of
5 government concerning the purchasing of election apparatus, ballot forms, and supplies for
6 use in elections in this state to help ensure that competitive prices are obtained by those units
7 of government.

8 **SECTION 2. Effective date.** This act takes effect on January 1, 2006.

9 (END)

1 **AN ACT** *to repeal* 6.26 (2) (am) and 6.28 (3); and *to amend* 6.26 (2) (a), 6.26 (2) (b)
2 and (c), 6.28 (1) and 6.33 (1) of the statutes; **relating to:** eliminating registration at
3 the office of the register of deeds and through certain special registration deputies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was created for the joint legislative council's special committee on election law review.

Under current law, individuals can register to vote at the register of deeds office. The register of deeds is then required to forward the registration to the appropriate authority. In addition, current law authorizes the clerk to appoint special registration deputies for the purpose of registering electors of the municipality anywhere throughout the municipality—the so-called “roving registration deputies”.

Current law also authorizes the appointment of special registration deputies to assist in registration at the polls and requires the appointment of special registration deputies at other locations designated for registration.

This draft eliminates the “roving registration deputies” and authorizes special registration deputies only for fixed registration locations.

This draft also creates an exemption from requiring the clerk to appoint special registration deputies for these fixed registration locations. Finally, the draft eliminates the statutory requirement that registration be available in the office of the register of deeds when the clerk and deputy clerks can sufficiently staff the locations.

The draft has an effective date of January 1, 2006.

4 **SECTION 1.** 6.26 (2) (a) of the statutes is amended to read:
5 6.26 (2) (a) A qualified elector of the state may apply to any municipal clerk or board
6 of election commissioners to be appointed as a special registration deputy for the purpose of
7 registering electors of the municipality at fixed registration locations established under s. 6.28

1 (1) prior to the close of registration. An applicant may be appointed by more than one
2 municipal clerk or board of election commissioners to serve in more than one municipality.

3 **SECTION 1g.** 6.26 (2) (am) of the statutes is repealed.

4 **SECTION 2.** 6.26 (2) (b) and (c) of the statutes are amended to read:

5 6.26 **(2)** (b) The municipal clerk, or board of election commissioners, ~~or elections board~~
6 may appoint any applicant who qualifies under this subsection, unless the applicant's
7 appointment has been revoked by a municipality ~~or by the board~~ for cause. The municipal
8 clerk, or board of election commissioners, ~~or elections board~~ may revoke an appointment
9 made by the clerk, or board of election commissioners, ~~or elections board~~ for cause at any time.

10 (c) No individual may serve as a special registration deputy in a municipality unless the
11 individual is appointed by the municipal clerk or board of election commissioners of the
12 municipality ~~or the individual is appointed by the elections board to serve all municipalities.~~

13 **SECTION 3.** 6.28 (1) of the statutes is amended to read:

14 6.28 **(1)** REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29, 6.55 (2),
15 and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the 2nd
16 Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be
17 delivered to the office of the municipal clerk or postmarked no later than the 2nd Wednesday
18 preceding the election. An application for registration in person or by mail may be accepted
19 for placement on the registration list after the specified deadline, if the municipal clerk
20 determines that the registration list can be revised to incorporate the registration in time for
21 the election. All applications for registration corrections and additions may be made
22 throughout the year at the office of the city board of election commissioners, at the office of
23 the municipal clerk, ~~at the office of any register of deeds or at other~~ fixed locations provided
24 by the board of election commissioners or the common council in cities over 500,000

1 population or by either or both the municipal clerk, or the common council, village or town
2 board in all other municipalities and may also be made during the school year at any high
3 school by qualified persons under sub. (2) (a). Other registration locations may include but
4 are not limited to fire houses, police stations, public libraries, institutions of higher education,
5 supermarkets, community centers, plants and factories, banks, savings and loan associations
6 and savings banks. Special registration deputies shall be appointed for all ~~fixed~~ locations
7 each location ^{board of election commissioners or the municipal} ~~unless the location can be sufficiently staffed by the clerk and deputy clerks.~~ An elector who
8 wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the
9 municipal clerk of the municipality where the elector resides.

NOTE: This SECTION deletes the references to registration conducted at the office of the register of deeds. This SECTION also provides an exemption from appointing special registration deputies at locations where the clerk and deputy clerks can sufficiently staff the location.

10 SECTION 4. 6.28 (3) of the statutes is repealed.

NOTE: This SECTION repeals the provision in the statutes regarding registration at the office of the register of deeds. Section 6.28 (3) requires any person be given the opportunity to register at the register of deeds for his or her county, and directs the register of deeds to forward the form within 5 days to the appropriate municipal clerk, or to the board of election commissioners.

11 SECTION 5. 6.33 (1) of the statutes is amended to read:

12 **6.33 Registration forms; manner of completing. (1)** The municipal clerk shall
13 supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or
14 cards to obtain from each applicant information as to name, date, residence location,
15 citizenship, age, whether the applicant has resided within the ward or election district for at
16 least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant
17 is currently registered to vote at any other location, and shall provide a space for the applicant's
18 signature. The forms shall also include a space where the clerk may record an indication of

1 whether the form is received by mail and a space for the identification serial number of any
2 elector who is issued such a number under s. 6.47 (3). Each register of deeds shall obtain
3 sufficient registration forms at the expense of the unit of government by which he or she is
4 employed for completion by any elector who desires to register to vote.

NOTE: This SECTION eliminates the requirement that registers of deeds
obtain registration cards. The draft eliminates registration at the register
of deeds office.

5 **SECTION 6. Effective date.** This act takes effect on January 1, 2006.

6 (END)

1 **AN ACT** *to amend* 12.60 (1) (b); and *to create* 12.13 (3) (ze) of the statutes; **relating**
2 **to:** the method of compensation of special voter registration deputies and providing
3 a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, a municipal clerk or board of election commissioners may appoint special registration deputies who may register electors within the municipality. The state elections board may also appoint special registration deputies, who may register electors in any municipality. In addition, individuals who are not appointed as special registration deputies are free to gather and submit registrations which will be treated as mail-in registrations.

This bill prohibits any person from compensating any individual who gathers registrations at a rate that varies in relation to the number of voter registrations obtained. Violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, for each offense.

This draft has an effective date of January 1, 2006.

4 **SECTION 1.** 12.13 (3) (ze) of the statutes is created to read:

5 12.13 (3) (ze) Compensate an individual at a rate that varies in relation to the number
6 of voter registrations gathered. *a person who obtains voter reg. Station forms from other persons*
obtained by the person

7 **SECTION 2.** 12.60 (1) (b) of the statutes is amended to read:

8 12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., (3) (b),
9 (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or imprisoned
10 not more than 6 months or both.

COMMENT: Is this penalty appropriate?

1 **SECTION 3. Effective date.** This act takes effect on January 1, 2006.

2 (END)

1 **AN ACT** *to amend* 6.32 (1) and 6.36 (2) (c) 2. of the statutes; **relating to:** registration
2 other than in person.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, when a municipal clerk receives a voter registration form by mail, the clerk must examine the form for sufficiency. If the form is insufficient to accomplish registration or if the clerk knows or has reliable information that the proposed elector is not qualified, the clerk must notify the proposed elector and request that the elector appear at the clerk's office or other registration center to complete a proper registration or substantiate the information presented. Similarly, if the form is submitted after the close of registration, the clerk must attempt to notify the elector that registration may be completed in the clerk's office or at the polls on election day. Under current law, if the form is sufficient and the clerk has no reliable information to believe that the proposed elector is not qualified, the clerk must enter the person's name on the registration list and transmit a first class letter on postcard to the registrant identifying the registrant's proper ward or aldermanic district and polling place. If the letter or postcard is returned, the clerk must change the registrant's status to ineligible. The draft applies these requirements to any registration form not submitted in person by the person seeking registration in the office of the municipal clerk or in person at another approved registration location.

Additionally, under current law, certain electors who register to vote by mail at an election for national office must show identification before being allowed to cast a ballot if the elector has not previously voted in an election for national office in the municipality (or, effective January 1, 2006, in the state).

This draft applies this requirement to such electors who register to vote in advance of election day in any manner other than in person in the office of the municipal clerk or at another approved registration location.

The draft contains an effective date of January 1, 2006.

SECTION 1. 6.32 (1) of the statutes is amended to read:

6.32 (1) Upon receipt of a registration form which is submitted by mail under s. 6.30 (4) was not submitted in person in the office of the municipal clerk or at another registration location authorized under s. 6.28 (1), the municipal clerk shall examine the form for sufficiency.

SECTION 2. 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 265, is amended to read:

6.36 (2) (c) 2. If the registration list is prepared for use at an election for national office, the list shall contain, next to the name of each elector, an indication of whether identification is required for the elector to be permitted to vote. Identification is required if the elector is not a military elector or an overseas elector and the elector registers by mail does not register in person in the office of the municipal clerk or at another registration location authorized under s. 6.28 (1) and has not previously voted in an election for national office in this state.

SECTION 3. Effective date. This act takes effect on January 1, 2006.

(END)

1 **AN ACT** *to amend* 6.28 (1) and 6.33 (1); and *to create* 6.28 (4) of the statutes;
2 **relating to:** conducting registration at offices of the county clerk and the county
3 election commissioners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, registration may be conducted at a number of different locations, including the municipal clerks office, the city board of election commissioners, and the office of the register of deeds. This draft authorizes registration to be conducted at the offices of the county clerk and the county election commissioners.

The draft has an effective date of January 1, 2006.

4 **SECTION 1.** 6.28 (1) of the statutes is amended to read:
5 **6.28 (1) REGISTRATION LOCATIONS; DEADLINE.** Except as authorized in ss. 6.29, 6.55 (2),
6 and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the 2nd
7 Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be
8 delivered to the office of the municipal clerk or postmarked no later than the 2nd Wednesday
9 preceding the election. An application for registration in person or by mail may be accepted
10 for placement on the registration list after the specified deadline, if the municipal clerk
11 determines that the registration list can be revised to incorporate the registration in time for
12 the election. All applications for registration corrections and additions may be made
13 throughout the year at the office of the city board of election commissioners, at the office of
14 the municipal clerk, at the offices of the county clerk, [at the office of any register of deeds
15 or at other locations provided by the board of election commissioners or the common council

1 in cities over 500,000 population or by either or both the municipal clerk, or the common
 2 council, village or town board in all other municipalities and may also be made during the
 3 school year at any high school by qualified persons under sub. (2) (a). Other registration
 4 locations may include but are not limited to fire houses, police stations, public libraries,
 5 institutions of higher education, supermarkets, community centers, plants and factories,
 6 banks, savings and loan associations and savings banks. Special registration deputies shall
 7 be appointed for all locations.] An elector who wishes to obtain a confidential listing under
 8 s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the
 9 elector resides.

COMMENT: A different draft eliminates registration at high schools and
 at the register of deeds office. Language is bracketed here to call
 attention to that possible change.

10 **SECTION 2.** 6.28 (4) of the statutes is created to read:

11 6.28 (4) AT THE OFFICES OF THE COUNTY CLERK. Any person shall be given an opportunity

12 to register to vote at the office of the county clerk for the county in which the person's residence
 13 is located. An applicant may fill out the required registration form under s. 6.33. Upon receipt

14 of a completed form, the clerk shall forward the form within 5 days to the appropriate
 15 municipal clerk, or to the board of election commissioners in cities over 500,000 population.

16 The clerk shall forward the form immediately whenever registration closes within 5 days of
 17 receipt.

NOTE: This SECTION authorizes registration to be conducted at the
 offices of the county clerk and at the offices of the county election
 commissioners. Although the language does not specifically mention the
 county election commissioners, s. 7.21, stats., grants the county election
 commissioners all of the powers and duties of the county clerk.

18 **SECTION 3.** 6.33 (1) of the statutes is amended to read:

resides under s. 6.33 (5)(b),
what if?
registration functions delegated to co. clerk
6.33 (5)(b)

Unless the county clerk performs registration functions for the municipality where the elector is located.
complete each completed at receipt
submitted by an elector
within 5 days of receipt

6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward or election district for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant's signature. The forms shall also include a space where the clerk may record an indication of whether the form is received by mail and a space for the identification serial number of any elector who is issued such a number under s. 6.47 (3). [Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote at the office of the register of deeds under s. 6.28 (3).]. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the register of deeds under s. 6.28 (4).

NOTE: This SECTION requires each county clerk to obtain registration forms to allow any elector to register to vote.

COMMENT: 1. Does the draft need to specify who bears the cost of obtaining the registration forms?

2. A different draft eliminates registration at the offices of the register of deeds. The bracketed language would be deleted by that draft.

SECTION 4. Effective date. This act takes effect on January 1, 2006.

(END)

1 **AN ACT** *to amend* 7.30 (4) (a), 7.30 (4) (b) 1., 10.66 (2) (d) 1. and 2. and 10.78 (6) (e)
2 of the statutes; **relating to:** the date of appointment and term of office for election
3 officials.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, election officials are appointed for a 2-year term. The appointments are made in December of each even-numbered year. This draft changes the date that election officials are appointed to December of each odd-numbered year.

The draft has an effective date of January 1, 2006.

4 **SECTION 1.** 7.30 (4) (a) of the statutes is amended to read:
5 7.30 (4) (a) Except in cities where there is a board of election commissioners, the mayor,
6 president or board chairperson of each municipality shall nominate to the governing body no
7 later than their last regular meeting in December of each ~~even-numbered~~ odd-numbered year
8 the necessary election officials for each polling place. If no regular meeting is scheduled, the
9 mayor, president or chairperson shall call a special meeting for the purpose of considering
10 nominations no later than December 31.

COMMENT: 1. The committee will need to consider how to deal with the transition to a new appointment date. Under current law, election officials hold office for 2 years and until their successors are appointed. Thus, as the bill is currently drafted, the election officials who are currently serving a term set to end at the end of 2006 would be held over until 2007, a 3-year term.

2. This draft does not change the term of office for the county and municipal board of canvassers, which begins in January of the even-numbered year.

Art
XIII
Sec 9

1 **SECTION 2.** 7.30 (4) (b) 1. of the statutes is amended to read:

2 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the aldermanic
3 district committeemen or committeewomen under s. 8.17 of each of the 2 dominant
4 recognized political parties shall submit a certified list no later than November 30 of each
5 ~~even-numbered~~ odd-numbered year containing the names of at least as many nominees as
6 there are inspectors from that party for each of the voting wards in the aldermanic district. The
7 chairperson may designate any individual whose name is submitted as a first choice nominee.
8 The board of election commissioners shall appoint, no later than December 31 of
9 ~~even-numbered~~ ^{odd-numbered} years, at least 5 inspectors for each ward. The board of election
10 commissioners shall appoint all first choice nominees for so long as positions are available,
11 unless nonappointment is authorized under par. (e), and shall appoint other individuals in its
12 discretion. The board of election commissioners may designate such alternates as it deems
13 advisable.

14 **SECTION 3.** 10.66 (2) (d) 1. and 2. of the statutes are amended to read:

15 10.66 (2) (d) 1. At the last meeting of the municipal board of election commissioners
16 in December of ~~even-numbered~~ odd-numbered years in cities of the 1st class, the board of
17 election commissioners appoints election officials for 2-year terms. See s. 7.30 (4) (b) 1.

18 2. At the last meeting of the municipal governing body in December of ~~even-numbered~~
19 off-numbered years, except in cities that have a board of election commissioners, the
20 municipal executive nominates to the governing body the necessary election officials. If no
21 regular meeting is scheduled a special meeting shall be called no later than December 31. See
22 s. 7.30 (4).

23 **SECTION 4.** 10.78 (6) (e) of the statutes is amended to read:

1 10.78 (6) (e) *November 30.* No later than November 30 in the ~~even-numbered~~
2 ~~odd-numbered~~ years, the political parties submit their nominees for election officials. See s.
3 7.30 (4) (c).

4 **SECTION 5. Effective date.** This act takes effect on January 1, 2006.

5 (END)

1 **AN ACT** *to create* 7.41 (5) of the statutes; **relating to:** the conduct of election
2 observers, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process.

The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which either disrupts the operation of the polling place or who engages in electioneering.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing.

Current law prohibits any person from refusing to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; engaging in disorderly behavior at or near a polling place; or interrupting or disturbing the voting canvassing proceedings. A person violating this prohibition may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

This draft directs the elections board to promulgate rules regarding the proper conduct of observers at polling places, including the interaction of observers with election officials at polling places. The draft requires the rules to be submitted to the legislative council staff for review by February 1, 2006.

The draft would be effective upon publication of the draft as an act.

1 **SECTION 1.** 7.41 (5) of the statutes is created to read:

2 7.41 (5) The board shall promulgate rules regarding the proper conduct of individuals
3 exercising the right under sub. (1), including the interaction of those individuals with
4 inspectors and other election officials.

5 **SECTION 2. Nonstatutory provisions.**

6 (1) ^{CS} Polling place observation rules.

7 (a) The elections board shall submit in proposed form the rules required under section
8 7.41 (5) of the statutes, as created by this act, to the legislative council staff under section
9 227.15 (1) of the statutes no later than February 1, 2006. *the 60th day beginning after pub.*

10 (b) Using the procedure under section 227.24 of the statutes, the elections board may
11 promulgate rules required under s. 7.41 (5) of the statutes, as created by this act, for the period
12 before the effective date of the rules submitted under paragraph (a), but not to exceed the
13 period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section
14 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not required to provide evidence that
15 promulgating a rule under this paragraph as an emergency rule is necessary for the
16 preservation of the public peace, health, safety, or welfare and is not required to provide a
17 finding of emergency for a rule promulgated under this paragraph.

COMMENT: The bracketed language authorizes the elections board to promulgate emergency rules until the permanent rules become effective. Does the committee wish to include this authority?

18 (END)

1 **AN ACT** *to amend* 7.51 (5) (b) of the statutes; **relating to:** the deadline for delivery of
2 materials from the municipal canvass to the county and school district clerk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Currently, by 2 p.m. on the day after an election, the municipal clerk must deliver the ballots, statements, tally sheets, lists, and envelopes for the clerk's municipality concerning any county, technical college district, state, or national election to the county clerk. In addition, current law requires the municipal clerk to arrange for delivery of these materials concerning a school district election to the school district clerk, but current law does not specify a time by which that delivery must take place.

This draft sets the deadline for delivery of these materials at 4 p.m. on the day after an election.

This draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 7.51 (5) (b) of the statutes is amended to read:

4 7.51 (5) (b) The municipal clerk shall ~~arrange for delivery of~~ deliver all ballots,
5 statements, tally sheets, lists, and envelopes relating to a school district election to the school
6 district clerk by 4 p.m. on the day following each such election. The municipal clerk shall
7 deliver the ballots, statements, tally sheets, lists, and envelopes for his or her municipality
8 relating to any county, technical college district, state, or national election to the county clerk
9 by ~~2~~ 4 p.m. on the day following each such election. The person delivering the returns shall
10 be paid out of the municipal treasury. Each clerk shall retain ballots, statements, tally sheets,
11 or envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

06/03/2005

- 2 -

WLC: 0180/2

1 **SECTION 2. Effective date.** This act takes effect on January 1, 2006.

2 (END)

- 1 **AN ACT** *to amend* 6.36 (2) (c) 2. of the statutes; **relating to:** identification required
2 for certain voters who register by mail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, effective January 1, 2006, a person, other than a military elector or an overseas elector, who registers to vote by mail and who has not previously voted in an election for national office in Wisconsin must provide identification before being allowed to vote at an election for national office. Acceptable identification is either: (1) a current and valid piece of identification containing a photograph of the elector; or (2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector.

A person who is required to provide identification before voting but who fails to do so may cast a provisional ballot which may be counted if the person subsequently presents identification before 4 p.m. on the day after the election.

The draft applies the identification requirement to all elections, not just elections for national office.

Am. 6.36(2)(a)
The bill contains an effective date of January 1, 2006.

- 3 **SECTION 1.** 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 265, is
4 amended to read:

- 5 6.36 (2) (c) 2. ~~If the registration list is prepared for use at an election for national office,~~
6 the The list shall contain, next to the name of each elector, an indication of whether
7 identification is required for the elector to be permitted to vote. Identification is required if
8 the elector is not a military elector or an overseas elector and the elector registers by mail and
9 has not previously voted in an election ~~for national office~~ in this state.

6.87(4)

*Am.
6.87(4)
effect on
prov. ball
bills
yes ✓*

